



Entered on Docket
July 25, 2006

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Proposed Attorneys for Debtors and Debtors-in-Possession

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:
USA COMMERCIAL MORTGAGE COMPANY,

Debtor.

In re:
USA CAPITAL REALTY ADVISORS, LLC,

Debtor.

In re:
USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,

Debtor.

In re:
USA CAPITAL FIRST TRUST DEED FUND, LLC,

Debtor.

In re:
USA SECURITIES, LLC,

Debtor.

Case No. BK-S-06-10725 LBR
Case No. BK-S-06-10726 LBR
Case No. BK-S-06-10727 LBR
Case No. BK-S-06-10728 LBR
Case No. BK-S-06-10729 LBR
Chapter 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER APPROVING CONTINUED USE
OF CASH THROUGH AUGUST 6, 2006
PURSUANT TO REVISED BUDGET
(AFFECTS ALL DEBTORS)**

Date: June 21, 2006
Time: 9:30 a.m.

1 Affects:

- 2 ☒ All Debtors
 3 ☐ USA Commercial Mortgage Company
 4 ☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

5 The Motion For Order Approving Continued Use Of Cash Through July 29, 2006 Pursuant
 6 To Second Revised Budget (the "Motion") coming before this Court pursuant to an Order
 7 Shortening Time; the having reviewed the pleadings and heard the arguments of counsel; and
 8 finding good cause, it is

9 ORDERED that Motion is granted on the following terms:

10 1. Except as such use was otherwise limited on the record at the June 21, 2006
 11 hearing and specifically excluding the Debtor in Possession financing fees and expenses set forth
 12 in the revised budget filed June 20, 2006, the Debtors are authorized to use cash through August 6,
 13 2006, as reflected in the June 20th budget;

14 2. The Debtors are not authorized to pay professional or other fees incurred outside of
 15 the ordinary course of business without prior Court approval, and the professional fee and expense
 16 estimates included in the budget are neither approved nor disapproved at this time;

17 3. The Debtors are to retain in the DIP Collection Account the interest earned on that
 18 account and the principal and interest paid by borrowers, except that loan servicing fees and other
 19 contractual fees may be collected and used by Debtors as reflected in the June 20th budget.

20 Submitted by:

21 /s/ LENARD E. SCHWARTZER
 22 Lenard E. Schwartzer, Nevada Bar No. 0399
 23 Jeanette E. McPherson, Nevada Bar No. 5423
 24 SCHWARTZER & MCPHERSON LAW FIRM
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25 and

26 Annette W. Jarvis, Utah Bar No. 1649
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1 **ORDER APPROVING CONTINUED USE OF CASH THROUGH AUGUST 6, 2006**
 2 **PURSUANT TO REVISED BUDGET**
 3 **(AFFECTS ALL DEBTORS)**

4 Approved/Disapproved by: 

5 By: _____

6 Office of the U.S. Trustee
 7 Foley Federal Building
 8 300 Las Vegas Blvd. South, Suite 4300
 9 Las Vegas NV 89101

10 Approved/Disapproved by:
 11 **LEWIS AND ROCA, LLP**

12 By: _____

13 SUSAN M. FREEMAN, ESQ.
 14 ROB CHARLES, ESQ.
 15 *Counsel for the Official Committee*
 16 *of Unsecured Creditors of USA*
 17 *Commercial Mortgage Company*

18 Approved/Disapproved by:
 19 **BECKLEY SINGLETON, CHTD. and**
 20 **ORRICK, HERRINGTON & SUTCLIFFE**
 21 **LLP**

22 By: _____

23 MARC A. LEVINSON, ESQ.
 24 LYNN TRINKA-ERNCE, ESQ.
 25 BRETT A. AXELROD, ESQ.
 26 ANNE M. LORADITCH, ESQ.
 27 *Counsel for the Official Committee of*
 28 *Equity Security Holders of USA Capital*
 29 *Diversified Trust Deed Fund, LLC*

30 Approved/Disapproved by:
 31 **GORDON & SILVER, LTD.**

32 By: _____

33 GERALD M. GORDON, ESQ.
 34 GREGORY E. GARMAN, ESQ.
 35 *Counsel for the Official Committee of*
 36 *Holders of Executory Contract Rights of*
 37 *USA Commercial Mortgage Company*

38 Approved/Disapproved by:
 39 **STUTMAN TREISTER & GLATT, P.C. and**
 40 **SHEA & CARLYON, LTD.**

41 By: _____

42 FRANK MEROLA, ESQ.
 43 EVE KARASIK, ESQ.
 44 CHRISTINE PAJAK, ESQ.
 45 CANDACE C. CARLYON, ESQ.
 46 *Counsel for the Official Committee of*
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 48 *First TrustDeed Fund LLC*

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1 ALTERNATIVE METHOD re: RULE 9021:

2 In accordance with Local Rule 9021, the undersigned certifies:

3 The court waived the requirements of LR 9021.

4 X I have delivered a copy of this proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and each has:

5 X approved the form of this order:

6 waived the right to review the order and/or

7 failed to file and serve papers in accordance with LR 9021(c)

8 I have delivered a copy of this proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and all have either approved the form of this order, waived the right to review the order, failed to file and serve papers in accordance with LR 9021(c) and the following have disapproved the form of the order:

9 No opposition was filed to the motion and no other party or counsel appeared at the hearing.

10 Submitted by:

11 /s/ LENARD E .SCHW ARTZER

12 Lenard E. Schwartz, Nevada Bar No. 0399

13 Jeanette E. McPherson, Nevada Bar No. 5423

14 SCHWARTZER & MCPHERSON LAW FIRM

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